	Application Number	Application/Control No.		Applicant(s)/Pater Reexamination MCINTOSH ET A		
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DISCLAIMER	M APPROVED	
Date Filed : 11/15/06	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:				
Pat. No. 6,679,909 has been verified JH 12/11/06				

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hereby certify that this correspondence is being facsimile transmitted Attn: Examiner, Michael G. Mendoza, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No. (571) 273 8300 on November 13, 2006.

Thomas H. Majcher, Reg. No. 31,119

Customer No. 24201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.

: 10/677,591

Confirmation No. 8198

Applicant

: Winnette S. McIntosh et al.

Filed

October 1, 2003

Art Unit

: 3731

Examiner

Uyen T. Ho

Title

: A RAPID EXCHANGE DELIVERY SYSTEM FOR SELF-

EXPANDING STENT

Docket No.:

ACSES 65490 (2606D)

Los Angeles, California

Customer No.

24201

November 13, 2006

MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(C))

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,679,909 issued to Winnette S. McIntosh, et al. on January 20, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

12/8/04

11/16/2006 LWONDIM1 00000005 10677591

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent(s), as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the terminal disclaimer fee under 37 C.F.R. § 1.20(d) in the amount of \$130.00 and any additional fees or credit any overpayment to Deposit Account No. 06-2425. The undersigned is an attorney of record.

Respectfully submitted, FULWIDER PATTON LLP

By

Thomas H. Majcher Registration No. 31,119

THM:lm

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